

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN LEE,

Petitioner,

v.

CHANCE ANDES,

Respondent.

No. 2:24-cv-3684-CKD P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Petitioner Darren Lee, a state prisoner, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 and paid the filing fee. On April 16, 2025, the undersigned screened the petition and dismissed the petition with leave to amend because it failed to comply with Rule 2(c) of the Rules Governing Section 2254 cases.<sup>1</sup> (ECF No. 6 at 1.) Petitioner was granted 30 days to file an amended petition and was specifically cautioned that failure to respond to the court's order would result in a recommendation that this action be dismissed. (*Id.* at 5.) The time granted for petitioner to file an amended petition has expired and petitioner has not filed an amended petition or otherwise responded to the court's order. Accordingly, this action should be dismissed without prejudice for the reasons set forth in the screening order dated April 16, 2025.

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<sup>1</sup> As discussed in the screening order (see ECF No. 6 at 4), it also appears the petition raises issues solely pertaining to state law for which relief under 28 U.S.C. § 2254 is unavailable.

1 For the reasons set forth above, IT IS ORDERED that the Clerk of the Court shall assign a  
2 district judge to this case.

3 In addition, IT IS RECOMMENDED as follows:

- 4 1. The petition for writ of habeas corpus be dismissed without prejudice; and
- 5 2. The Clerk of Court be directed to close this case.

6 These findings and recommendations will be submitted to the United States District Judge  
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
8 after being served with these findings and recommendations, petitioner may file written  
9 objections with the court. In any objections, petitioner may address whether a certificate of  
10 appealability should issue in the event petitioner files an appeal of the judgment in this case. See  
11 Rule 11, Federal Rules Governing Section 2254 Cases (the district court must issue or deny a  
12 certificate of appealability when it enters a final order adverse to the applicant). Petitioner is  
13 advised that failure to file objections within the specified time may waive the right to appeal the  
14 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

15 Dated: June 2, 2025

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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